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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/352,734      | 07/13/1999  | JAMES OWEN           | SLA0193             | 2607             |

55692      7590      01/30/2006  
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EXAMINER

DANG, DU Y M

ART UNIT      PAPER NUMBER

2627

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

|                                      |                                    |  |
|--------------------------------------|------------------------------------|--|
| <b>Application No.</b><br>09/352,734 | <b>Applicant(s)</b><br>OWEN ET AL. |  |
| <b>Examiner</b><br>Duy M. Dang       | <b>Art Unit</b><br>2627            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 13 October 2005.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 16-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 16-34 is/are allowed.
- 6)  Claim(s) 35 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's amendment filed 10/13/05 to cancel claims 1-9 and 11-15, and add new claims 16-35 has been entered and made of record.
2. Claims 16-35 are currently pending.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 35 is are rejected under 35 U.S.C. 102(b) as being anticipated by Schmid et al. [US Patent No. 5,659,164. Art of record IDS (paper #2) filed 10/18/1999].

Regarding claim 35, Schmid teaches a method for controlling imaging devices, the method comprising:

scanning a stack [see figure 2A: Note scanner and stack shown on the left side of the figure] comprising a plurality of sheets [see figure 1: note cover page 1 to page n+1], wherein the plurality of sheets comprises at least one control sheet associated with the stack [i.e., the cover page 1 comprising machine readable information (MRI) and human readable information (HRI) shown in figure 1, and user-selectable boxes shown in figure 4 corresponds to the so

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called "one control sheet associated with the stack" according to col. 4 line 66 to col. 5 lines 22.

Also refer to col. 4 lines 23-27 that MRI on the cover page serves as an identifier/network address to the document owner so such cover page also meets the claimed "one control sheet associated with the stack";

locating the control sheet anywhere in the stack [see col. 4 lines 30-33 that MRI reader identifies cover page 1 during scanning, and figure 1 shows cover page 1 located at the top of the stack/document. Such location of the cover page 1 meet the so called "anywhere in the stack" with the broadest reasonable interpretation];

producing output based on the stack [see col. 5 lines 19-21: digitally scanned page information will be stored at 15 and electronically associated with document 17 (figure 3B)];

processing the control instruction and using the control instruction for processing the output [see col. 4 line 66 to col. 5 lines 22: scan parameter settings (user selectable boxes shown in figure 4 and mentioned in col. 5 lines 1-4) and use these parameter setting for converting output (digitized image data stream) to textual information (OCR processing)].

6. Claims 16-34 are allowed.

7. The following is an examiner's statement of reasons for allowance:

Regarding claim 16, the closest cited reference (Schmid et al.) does not teach or suggest: scanning a stack comprising a first sheet, at least one middle sheet, and a last sheet, wherein the at least one middle sheet is interposed between the first sheet and last sheet, wherein the at least one middle sheet comprises a control sheet associated with the stack.

Dependent claims 17-26 are also allowed for the same reasons as above.

Regarding claim 27, the closest cited prior art (Schmid et al.) does not teach or suggest: scanning a stack comprising a plurality of sheets, wherein the plurality of sheet comprises two control sheets located at two different locations within a stack, wherein each control sheet comprises a control image comprising at least one control instruction and wherein each control sheet is associated with the stack.

Dependent claims 28-24 are also allowed for the same reasons as above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

dmd  
1//06



Duy M. Dang  
Patent Examiner